TO THE HONORABLE, JUDGES OF SAID COURT:

The Answer and Demurrer of Mertle I. Tressler and Joseph W. Tressler, to the Petition filed against them and Austin A. Fogle in the above entitled cause.

1st. That they admit the matters and things contained in the first paragraph of said Petition.

2nd. That they admit the allegations contained in the second paragraph.

3rd. Answering the third paragraph they deny "that the said alice Virginia Devilbiss left no personal estate" and further answering say that she did leave a personal estate amounting to about One Hundred Dollars, but no letters of administration were taken on her personal estate.

4th. That they admit the matters and things contained in the fourth paragraph of said Petition.

5th. That they deny the allegations set forth in the fifth paragraph of said Petition. For further reasons these Respondents say:

- A. That it is not alleged that the said Alice 'irginia Devilbiss did not pay the alleged indebtedness during her life.
- B. That items listed and set our in Petitioner's Exhibit No. 1, include automobile hire and it is not alleged that the Petitioner had the proper license to operate a motor vehicle for hire or that she was engaged in that business.
- C. That is is not alleged that the amounts stated in the fifth paragraph of said Petition and set out in Petitioner's Exhibit No. 1, were paid by the said Mary B. Fogle.
- D. That the said Mary B. Fogle is guilty of laches as to asserting her pretended claim and that she is not entitled to recover for any of the items charged for in Petitioner's Exhibit No. 1.
- E. That the right of action did not accrue within three years of the time in which it was asserted.
- F. And for other good and sufficient reasons apparent on the face of the said Petition.

 Having fully answered your Respondents pray that the claim set forth by the said Mary B

 Fogle be dismissed.

Patrick M. Schnauffer .
Petitioner for Respondents.

STATE OF MARYLAND, FREDERICK COUNTY, To-Wit:

I hereby certify that on this 18th day of April, 1936, before me, a Notary Public of the State of Maryland, in and for Frederick County, personally appeared Mertle I. Tressler and Joseph W. Tressler, and made oath in due form of law that the matters and things contained the aforegoing enswer are true to the best of their knowledge information and belief. and that the Demurrer filed with this answer is not filed with the intention of delaying the proceedings in this cause.

Place of Notarial Seal

A. M. Ecker

Notary Public

(Filed april 20, 1936)

OPINION AND DECREE

MYRTLE I. TRESSLER AND JOSEPH W. TRESSLER, HER Husband vs.

No. 13233 Equity

WS.

MARY B. FOGLE and

AUSTIN A. FOGLE, her husband.

IN the Circuit Court for Frederick County,

In Equity.

In this case for the sale of the real estate of Alice Virginia Devilbiss, a widow who died intestate, one of the intestate's two daughters, Mrs. Myrtle 1. Tressler, together with her husband, filed a bill for partition making the other daughter, Mrs. Mary B. Fogle, and her husband, defendants. Mary B. Fogle then filed a creditor's petition for services rendered to and expenses incurred for and on behalf of her mother, converting the same into a creditors'